

SUPREME COURT OF VIRGINIA

Rhoten v. Commonwealth

Rhoten · No. Record No. 130456 · Decided October 31, 2013

SUMMARY

The Supreme Court of Virginia held that res judicata did not bar a 2011 petition to civilly commit Jeffrey Rhoten as a sexually violent predator after a prior proceeding in 2005 had found that he was not one. The Court concluded that the later petition concerned Rhoten’s current mental-health status following a subsequent period of incarceration and therefore did not arise from the same transaction or occurrence as the earlier proceeding. The Court also held that Rhoten preserved, and did not waive, his res judicata argument.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice S. Bernard Goodwyn; All the Justices
JURISDICTION	Virginia
DECIDED	October 31, 2013
DOCKET	Record No. 130456
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rhoten appealed the denial of his motion to dismiss a petition for civil commitment under Virginia's Civil Commitment of Sexually Violent Predators Act, arguing that the petition was barred by res judicata.
STANDARD OF REVIEW	The applicability of res judicata is a question of law reviewed de novo. Preservation of error is governed by Rule 5:25 and Code § 8.01-384(A).
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Virginia; precedential.
PARTIES	Jeffrey Rhoten, a/k/a Jeffrey Rhoton v. Commonwealth of Virginia

TOPICS

- res judicata
- appellate procedure
- civil procedure
- statutory interpretation
- health law

PRACTICE AREAS

- civil procedure
- appellate procedure
- health law
- civil commitment

QUESTIONS PRESENTED

1. Whether Rhoten waived or failed to preserve his res judicata argument by stipulating that the Commonwealth's evidence was sufficient and that the 2011 petition was properly filed and ripe for adjudication.
2. Whether res judicata barred the Commonwealth's 2011 petition for civil commitment because Rhoten had previously been found not to be a sexually violent predator in 2005 and had committed no new sexually violent offense.

HOLDINGS

1. Rhoten preserved his res judicata argument, and his post-denial stipulations did not clearly and unmistakably demonstrate an intent to abandon it.
2. Res judicata did not bar the Commonwealth's 2011 petition because it did not arise from the same conduct, transaction, or occurrence as the 2005 proceeding and concerned Rhoten's mental-health status at a different time.

KEY QUOTATIONS

“Rhoten properly preserved the res judicata issue for appeal in the present case with his motion to dismiss, his oral arguments before the circuit court, his objection to the court order denying his motion and his stated objection on the final order.” (at 6)

“The 2011 petition arose as a result of Rhoten’s impending release from custody after a new term of incarceration for a sexually violent offense and concerned Rhoten’s mental health status in 2011.” (at 11)

“The 2011 petition was not barred by res judicata.” (at 12)

FACTUAL BACKGROUND

Rhoten was convicted in 1989 of aggravated sexual battery and attempting to commit forcible sodomy. After periods of release and reincarceration for parole violations, he was the subject of a 2005 civil-commitment proceeding under the Civil Commitment of Sexually Violent Predators Act, in which the court found that the Commonwealth had not proved he was a sexually violent predator. Rhoten was reincarcerated again in 2008 for the same underlying offenses, and before his scheduled release the Commonwealth filed a second petition in 2011. The circuit court found him to be a sexually violent predator based on his current mental-health status, and Rhoten appealed the denial of his res judicata motion.

PROCEDURAL HISTORY

Rhoten was found not to be a sexually violent predator in a 2005 civil-commitment proceeding. After he was reincarcerated in 2008 for parole violations relating to his 1989 sexually violent offenses, the Commonwealth filed a new civil-commitment petition in 2011. The circuit court denied Rhoten's motion to dismiss, and after Rhoten stipulated that the Commonwealth's evidence was sufficient, the court found him to be a sexually violent predator and ordered civil commitment. The Supreme Court of Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Caperton v. A.T. Massey Coal Co., 285 Va. 537, 740 S.E.2d 1 (2013)
- Chawla v. BurgerBusters, Inc., 255 Va. 616, 499 S.E.2d 829 (1998)
- Helms v. Manspile, 277 Va. 1, 671 S.E.2d 127 (2009)
- Graham v. Cook, 278 Va. 233, 682 S.E.2d 535 (2009)
- Cashion v. Smith, ___ Va. ___, ___ S.E.2d ___ (2013)
- Shelton v. Commonwealth, 274 Va. 121, 645 S.E.2d 914 (2007)
- Shivaee v. Commonwealth, 270 Va. 112, 613 S.E.2d 570 (2005)
- Kansas v. Hendricks, 521 U.S. 346 (1997)
- Raley v. Haider, 286 Va. 164 (2013)
- Smith v. Ware, 244 Va. 374, 421 S.E.2d 444 (1992)
- Davis v. Marshall Homes, Inc., 265 Va. 159, 576 S.E.2d 504 (2003)
- Martin-Bangura v. Commonwealth Department of Mental Health, 640 F. Supp. 2d 729 (E.D. Va. 2009)
- Townes v. Commonwealth, 269 Va. 234, 609 S.E.2d 1 (2005)
- Bates v. Devers, 214 Va. 667, 202 S.E.2d 917 (1974)

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